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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID A. DEWAR,

Pro se Plaintiff,

v.

CHICAGO POLICE DEPARTMENT AND
CHICAGO POLICE OFFICERS T.J. FELMON,
M.K. DEVINE AND C.J. LONG

Defendants

CASE NO.16CV 2287

The Honorable Judge Virginia Kendall

AFFIDAVIT OF DAVID DEWAR

David Dewar, after duly being placed under oath on Monday, December 2, 2019 and states as a witness in this matter, testified to the following based on his own recollection and personal knowledge:

1. I am over 18 years of age and am competent to testify to the following matters.
2. On February 17, 2014, about 15 inches of snow fell on Millard Avenue. In the evening, I was removing snow from my car in front of our house and my mother Shirley Dewar was shoveling snow from the front walkway and front driveway of our house. I observed William Hosty come down the block and started snow blowing snow from the his sons driveway and blowing snow over the back fence into our backyard property and on our house side windows. I watched my Mother go over near William Hostys sons driveway and overheard my mother politely ask him not to blow the snow over the back fence into our backyard and on the back side windows. William Hosty answered my Mother in anger and said " I am sick of you people" and continued to blow the snow directing the snow straight up as it blew over onto our property.

3. My mother Shirley Dewar asked me to ask William Hosty not to blow the snow over the back fence into our backyard and on our back side windows and I did so. I politely asked William Hosty what my mother had asked him a minute earlier from about only 10 feet away over his loud snow blower. William Hosty became angry and said I threatened to "Kick his ass" and signaled to his Daughter-in-law Jennifer Hosty to call the Police and she then opened there house front door and existed and then heard William Hosty and called the police. I was shocked that William Hosty accused me of threatening to "Kick his ass" so I quickly retreated to my driveway and called the 22nd District Chicago Police Department and then as directed by the 22nd District to report the incident I called 911 one minute later to report what happened. As I was in our driveway making my two calls I witnessed William Hosty blowing the snow from his sons driveway and never retreating into his sons house after falsely accusing me of threatening to "Kick his ass". I quickly went in the house into the basement to change into dry clothes out of my wet clothes from blowing the snow for many hours.

4. When I quickly retreated into the house I was cold and my clothes were wet from snow blowing for many hours. I went inside the house after calling 911 to change into dry clothes.

5. About 10 minutes later before I could change into my dry clothes I heard a loud banging at our front door from downstairs in our basement. When I raced upstairs and answered the front door there was Officers Felmon and Devine who wanted to talk to me and my mother Shirley about what had happened. I helped my mother down the icy steps outside are front door stairs to talk to Officers Felmon and Devine about what had happened. My mother was scared and upset but was fully coherent. My mother explained about how William Hosty had been blowing snow over

the back fence onto our property and in back onto our back side windows and my Mother asked him not to continue. William Hosty responded in anger saying " I am sick of you people" and continued to blow the snow. I heard my mother explain to the two Officers that I asked William Hosty upon her request to stop blowing the snow over the back fence and into our backyard and onto the back side windows and in his anger William Hosty falsely accused me of threatening to " Kick his ass". Officer Felmon then told my mother to shut up and threatened to go into the house if she would not shut up. Being scared of Officer Felmon through his intimidation my mother stopped talking

6. Officers Felmon and Devine asked me to go over and talk with William Hosty about what happened to hear both sides of the story. During the questioning with Officers Felmon and Devine near the Hostys driveway I pointed to the areas of the back fence in our backyard and along the side windows along the house where William Hosty was snow blowing onto our property and the two Officers never went over to inspect those areas at all. As we were all at William Hostys sons driveway with my mother, only William Hosty was able to tell his side claiming I threatened to " Kick his ass". I was never able to tell my side of what happened as Officer Felmon demanded I apologize to William Hosty for threatening to " Kick his ass". Officer Felmon tried to bully me to apologize for a threat I never made of threatening William Hosty to " Kick his ass". I never made this threat against William Hosty and never apologized for a threat I never made to " Kick his ass". I only said I was sorry that the police had been called out and this could not been worked out, but I never apologized to William Hosty for " Kicking his ass". William Hosty, his daughter-in-law Jennifer and CPD Detective Scott McKenna were in front of the Hosty house when my Mother and me with Officers Felmon and Devine tried to force a false apology from me. At this point I knew this was

a frame job and set up on me and I was going to be arrested regardless of giving a false apology for something I did not say or do of threatening William Hosty to " Kick his ass".

7. Officer Felmon tried a second time to force me to apologize to William Hosty for " Kicking his ass" and I said the same thing as I said the first time that I apologized and was sorry the Police had to come out and we could not work this out. Officer Felmon said this was not an acceptable apology to William Hosty. Officer Felmon a third time loudly demanded I apologize to William Hosty for threatening to " Kick his ass". Officer Felmon was bullying and intimidating me and my mother as he had his handcuffs out as he twirled them around his right index fingers grinning at me and my mother with sheer intimidation to force an apology from me that I never made against William Hosty of threatening to " Kick his ass".

8. Despite the intimidation from Officer Felmon against me and my mother to force me to apologize to William Hosty for something I never said or did of threatening to " Kick his ass" I could not apologize for that and was placed under arrest with my hands behind my back. I was then walked by both Officers Felmon and Devine across the street and placed into the police vehicle. Officer Felmon and I waited in the Police vehicle for about ten minutes. During this time Officer Devine was doing his complaint paperwork with William Hosty as Officer Devine walked back from the direction of CPD Detective Scott McKenna and got back into the Police vehicle I was able to see the paperwork.

9. Officers Felmon and Devine then drove me to the 22nd District Police Station. When I arrived the police took all my property including my mobile cell phone , belt, sweater string and shoelaces. I was Photographed, fingerprinted and placed in a

holding cell for several hours.

10. When I was finally released from custody at the 22nd District Police Station my mother Shirley Dewar paid for my bail bond and my brother Dan picked me up. At the time my brother Dan was an active Westmont Police Officer. As I was leaving the Police Station the Police returned my personal property in two bags. One bag was in a clear bag with my belt, sweater string and shoelaces. The second bag labeled "Evidence Property Envelope" with my cell phone in it had my brothers name labeled on it of Daniel Dewar.

FURTHER AFFIANT SAYETH NAUGHT

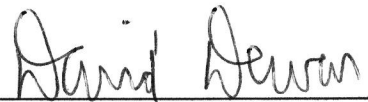


DAVID DEWAR

In accordance with 28 U.S.C. § 17 46, I certify under penalties of perjury that the foregoing statements are true and correct

Executed on:

12/16/2019



DAVID DEWAR

Nichole A Molina 12-16-19

